

Agricultural Exemption

Application

Dallas County, Iowa
Department of Planning & Development
907 Court Street, Ste. 2
Adel, IA 50003-1449
www.co.dallas.ia.us 515-993-5819

Applicant Information

(Please provide the following contact information)

(Name)

(Mailing Address/P.O. Box)

(Primary Phone)

☐ Home ☐ Work ☐ Mobile

(City/Post Office)

(State)

(Zip)

Legal Description of Property

(Provide the following information about the location of the project)

(E911 Address)

(City/Post Office)

(1/4 Section)

(Section Number)

(Township Name)

Agricultural Activity

(Please list all crops and livestock produced, on average, on the farm unit annually. Attach additional sheets as necessary.)

Crop Type(s)	Total Acres (Average)	% For Commercial Production (Average)
Livestock Type(s)	Total Head (Average)	% For Commercial Production (Average)

Proposed Construction

(Please check the appropriate box and provide additional information below.)

☐ New House

☐ House Addition/ Remodeling

If the proposed construction is for a new house or house addition / remodeling, you must complete the information on Page 2

☐ New Accessory Building (please list the size and use of the building, including materials & equipment stored)

☐ Other (Please specify construction type and building use)

SIGN AND DATE AT THE BOTTOM OF PAGE 2

1 of 3

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**ONLY COMPLETE THE FOLLOWING INFORMATION IF THE PROPOSED CONSTRUCTION
IS FOR A NEW HOUSE OR HOUSE ADDITION / REMODELING**

The exemption only applies to structure primarily adapted for agricultural purposes, and only while so used for agricultural purposes. Additionally, in order to qualify for the exemption as a farmhouse the occupants must be "engaged in agriculture" as defined below. **Please provide detailed answers for all items** as appropriate. (Attach additional sheet if necessary.)

"Engaged in agriculture." For the purpose of applying this exemption, "engaged in agriculture" shall include but not limited to any of the following:

- A. Inspect agricultural operation periodically and furnish at least half the direct cost of the operations. **(Please provide information about the input costs that you furnish to the operation.)**

- B. Regularly and frequently make or take an important part in making management decisions substantially contributing to or affecting the success of the agricultural operation. **(Please provide information about your role in making management decisions regarding the operation.)**

- C. Perform physical work, which significantly contributes to the agricultural operation. **(Please provide information about the nature of the physical work, including average hours worked, as part of the operation.)**

Notice

Along with this application you must also provide a copy of Schedule 'F' or Farm Corporation Tax Form from your most recent Federal Income Tax return.

The determination of Agricultural Exemption is made by the Director of Planning and Development. Appeal of the Director's decision to the Dallas County Board of Adjustment must be made within thirty (30) days of the decision.

The decision to approve or deny is based on definitions from Chapter 45 (Zoning Ordinance) of the Dallas County Code of Ordinances, the definitions are attached for your convenience.

I hereby acknowledge that I have read this application and state that the above is correct.

(Signature of Applicant or Authorized Agent)

(Date)

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The following are the basis for the decision making process:

From Chapter 45, Dallas County Zoning Ordinances

45.03 AGRICULTURE EXEMPT. In accordance with Iowa Code Section 335.2, this ordinance does not apply to agricultural land and the activity of farming while so used. However, the ordinances may apply to any structure, building dam, obstruction, deposit or excavation in or on the flood plains of any river or stream. To qualify for the exemption, the land must be utilized primarily as a part of an agricultural enterprise that is operated with the intention of selling agricultural products in the marketplace and thereby earning a profit. In order to be considered for an agricultural exemption from zoning, a form for agricultural exemption must be submitted to the Director of Planning and Development for review. The determination of agricultural exemption is made by the Director of Planning and Development. Appeal of the Director's decision to the Dallas County Board of Adjustment must be made within thirty (30) days of the decision.

45.04.8 Agriculture or Agricultural Use: The use of any land for the production of, and as an accessory use for the treatment and storage of, plants, animals or horticultural products, all for intended profit. "Agriculture" shall include the cultivation of land for the production of agricultural crops, the production of eggs, the production of milk and the production of fruit or other horticultural crops, with the intention of selling such items or products for a profit in the marketplace. "Agriculture" shall include the breeding, raising, feeding, grazing, housing and pasturing of horses, beef and dairy cattle, poultry, sheep, swine and honey bees, with the intention of selling such animals or products therefrom for a profit in the marketplace. The raising of animals and plants primarily for the purpose of the personal use and enjoyment of the owners or occupants of the subject property, and not for the purpose of selling such animals, plants or products therefrom for a profit in the marketplace, shall not constitute agricultural use. "Agriculture" shall not include any auction sales yards, recreational facilities, rural or urban areas used primarily for residential or recreational purposes, commercially operated stockyards or feedlots, and areas used for the production of timber, forest products, nursery products or sod. "Agriculture" shall not include a contract where a processor or distributor of farm products or supplies provides spraying, harvesting or other farm products.

From Iowa Code Chapter 335, County Zoning

335.2 Farms exempt. Except to the extent required to implement section 335.27, no ordinance adopted under this chapter applies to land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. However, the ordinances may apply to any structure, building, dam, obstruction, deposit, or excavation in or on the flood plains of any river or stream.